THE HON'BLE SRI JUSTICE A.GOPAL REDDY

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WRIT PETITION No.29813 of 1995

DATED: 20-03-2006

Between:

M.Prabhakar Reddy . . .Petitioner

And

The Special Deputy Collector, Nellore. . . .Respondent

THE HON'BLE SRI JUSTICE A.GOPAL REDDY

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WRIT PETITION No.29813 of 1995

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O R D E R:

By invoking the extraordinary jurisdiction of this Court under Article 226 of the Constitution of India, the petitioner virtually sought execution of the decree passed by the learned Subordinate Judge, Gudur, in LAOP.No.146 of 1988, which was disposed of on 24-09-1992 in terms of the compromise recorded in I.A.No.204 of 1992.

According to the petitioner, the Land Acquisition Officer awarded Rs.30/- for each lime-tree, which was the subject matter of acquisition. On his seeking reference, the matter was referred to a civil Court and the same was numbered as LAOP.No.146 of 1988. During the pendency of the said LAOP, himself and the respondent entered into a compromise. Accordingly, he filed I.A.No.204 of 1992 to record the compromise. In terms of the said compromise, the lower Court disposed of the said LAOP and he is entitled to Rs.70/- per each lime-tree. In spite of the same, the respondent has not paid the amount. Therefore, he filed the present writ petition.

When the petitioner is having a remedy of executing the decree passed in LAOP by filing an Execution Petition before the lower Court, the question of invoking the extraordinary jurisdiction of this Court for payment of compensation amount covered by the decree does not arise.

Therefore, the Writ Petition is dismissed. However, the petitioner is at liberty to file

E.P. before the lower Court for execution of the decree seeking exclusion of the time that was taken in prosecuting the present writ petition. There shall be no order as to costs.

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(A.GOPAL REDDY, J)

20th MARCH, 2006.

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